

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 620 – HB 1005

April 8, 2019

**SUMMARY OF ORIGINAL BILL:** Requires a county medical examiner who initially determines a decedent's manner of death to be suicide, to place the death certificate manner of death in pending status and send written notice explaining the medical examiner's reasoning for the suicide determination to the decedent's next of kin within 10 days of making the determination.

Requires a decedent's next of kin who is seeking a reconsideration of the manner of death determination to submit a written request stating the nature and reasons for the reconsideration to the county medical examiner who made the initial manner of death determination within 90 days.

Creates an alternative process for a decedent's next of kin to seek review of the manner of death determination in counties where the chief medical examiner of the regional forensic center acts as the county medical examiner by authorizing next of kin to request further review by an independent forensic pathologist approved by the Tennessee Medical Examiner Advisory Council (Council) and at the sole expense of the next of kin. Clarifies that next of kin do not need to complete mediation prior to seeking judicial relief.

Requires the Council to determine if the forensic pathologist chosen by the next of kin for an independent review of the manner of death holds education and training qualifications that meet or exceed the minimum education and licensing requirements for a county medical examiner in this state within 30 days of the request.

Requires the Council to assign a reconsideration of the manner of death determination to the chief medical examiner of another regional forensic center in this state if the initial manner of death was conducted in a county where the chief medical examiner of the regional forensic center acts as the county medical examiner.

Requires the Council to create a system of distribution of manner of death reconsideration applications, involving an appeal of a manner of death of suicide determination by the chief medical examiner of the regional forensic center acting as the county medical examiner, to ensure that the requests for reconsideration are distributed equitably among the chief medical examiners of the regional forensic centers. Requires the Council to collect information and statistics on manner of death determination reconsiderations conducted pursuant to this section.

## FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent the Tennessee Medical Examiner Advisory Council would be required to meet more frequently than quarterly, there would be an increase in state expenditures for reimbursing Council members for additional travel costs. However, the extent and timing of any such impact cannot be determined for they are dependent upon unknown factors.

**SUMMARY OF AMENDMENT (007388):** Deletes all language after the enacting clause. Requires a county medical examiner who suspects that suicide may be a potential manner of death to consult with the decedent's treating mental health professional and primary care physician, if known and reasonably able to be identified through next of kin, prior to determination of manner of death.

Requires a county medical examiner to inform the next of kin of their right to seek reconsideration from the Office of the State Chief Medical Examiner (OSCME) or judicial review of the manner of death in the written notice explaining the medical examiner's reasoning for the death determination.

Requires next of kin request reconsideration from OSCME within 120 days of the notification of the manner of death from the county medical examiner. Requires OSCME to notify the county medical examiner of the reconsideration request within 15 days and request all records and documentation from the county medical examiner and the next of kin. Requires the county medical examiner to send any requested records and documentation to the OSCME within 15 days of receiving the request.

Requires the OSCME to convene a peer review panel (PRP) to conduct the reconsideration. Requires the PRP to consist of the state chief medical examiner and all chief medical examiners of the regional forensic centers, except for the chief medical examiner of the regional forensic center for the region in which the autopsy was performed. Authorizes each chief medical examiner of the regional forensic centers to appoint a forensic pathologist licensed in this state and who is employed by the regional forensic center to serve as their designee on the PRP. Authorizes the PRP to meet remotely via teleconference or video conference.

Requires the PRP to review the records and documentation and vote on the manner of death determination. Establishes that a manner of death that achieves a simple majority of all panel members prevails and the investigation is deemed complete. Requires the PRP to complete the reconsideration within 90 days of the date the OSCME receives the records and documentation from the county medical examiner. Authorizes the PRP to use an additional 90 days to finalize their findings if needed.

Authorizes the next of kin to terminate the reconsideration process at any time by written notice to OSCME. Authorizes next of kin to seek judicial review at any time during the reconsideration process following the receipt of the original death certificate by written notice to OSCME.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 68-3-502(i)(5)(A), a decedent's next of kin is authorized to request further review of the determination of the manner of death by petitioning the chief medical examiner of the regional forensic center in which the autopsy was performed. The chief medical examiner of the regional forensic center is required to respond to the requesting next of kin within 30 days with a written report detailing the findings.
- Passage of this legislation would require a peer review panel (PRP) consisting of the state chief medical examiner and all chief medical examiners of the regional forensic centers, or their designees who are forensic pathologists licensed in this state and employed by the regional forensic center, to conduct a reconsideration review of the determination of the manner of death within 90 days and respond to the next of kin with a written report within 15 days of completion of the investigation.
- Based on information provided by the Department of Health (DOH), there have been two requests for reconsideration of the manner of death in the past three years.
- Requiring the OSCME and a PRP consisting of all state chief medical examiners or their designees to conduct the reconsideration of a manner of death, will not significantly increase the workload for the OSCME, chief medical examiners or county medical examiners; therefore, any fiscal impact is estimated to be not significant.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/vlh